

not increase emissions of any regulated pollutant.

(c) *Examples of allowable modifications.* The following are examples of allowable modifications:

(1) It is generally allowable to remove tractor roof fairings after the end of the vehicle's useful life if the vehicle will no longer be used primarily to pull box trailers.

(2) Other fairings may be removed after the end of the vehicle's useful life if the vehicle will no longer be used significantly on highways with vehicle speed of 55 miles per hour or higher.

(d) *Examples of prohibited modifications.* The following are examples of modifications that are not allowable:

(1) No person may disable a vehicle speed limiter prior to its expiration point.

(2) No person may remove aerodynamic fairings from tractors that are used primarily to pull box trailers on highways.

#### § 1037.660 Automatic engine shutdown systems.

This section specifies requirements that apply for certified automatic engine shutdown systems (AES) that are modeled under § 1037.520. It does not apply for AES systems that you do not model under § 1037.520.

(a) *Minimum requirements.* Your AES system must meet all of the requirements of this paragraph (a) to be modeled under § 1037.520. The system must shut down the engine within 300 seconds when all the following conditions are met:

(1) The transmission is set in neutral with the parking brake engaged (or the transmission is set to park if so equipped).

(2) The operator has not reset the system timer within the 300 seconds by changing the position of the accelerator, brake, or clutch pedal; or by some other mechanism we approve.

(3) None of the override conditions of paragraph (b) of this section are met.

(b) *Override conditions.* The system may delay shutting the engine down while any of the conditions of this paragraph (b) apply. Engines equipped with auto restart may restart during override conditions. Note that these conditions allow the system to delay

shutdown or restart, but do not allow it to reset the timer. The system may delay shutdown—

(1) While an exhaust emission control device is regenerating. The period considered to be regeneration for purposes of this allowance must be consistent with good engineering judgment and may differ in length from the period considered to be regeneration for other purposes. For example, in some cases it may be appropriate to include a cool down period for this purpose but not for infrequent regeneration adjustment factors.

(2) If necessary while servicing the vehicle, provided the deactivation of the AES system is accomplished using a diagnostic scan tool. The system must be automatically reactivated when the engine is shutdown for more than 60 minutes.

(3) If the vehicle's main battery state-of-charge is not sufficient to allow the main engine to be restarted.

(4) If the external ambient temperature reaches a level below which or above which the cabin temperature cannot be maintained within reasonable heat or cold exposure threshold limit values for the health and safety of the operator (not merely comfort).

(5) If the vehicle's engine coolant temperature is too low according to the manufacturer's engine protection guidance. This may also apply for fuel or oil temperatures. This allows the engine to continue operating until it reaches a predefined temperature at which the shutdown sequence of paragraph (a) of this section would resume.

(6) The system may delay shutdown while the vehicle's main engine is operating in power take-off (PTO) mode. For purposes of this paragraph (b)(6), an engine is considered to be in PTO mode when a switch or setting designating PTO mode is enabled.

(c) *Expiration of AES systems.* The AES system may include an expiration point (in miles) after which the AES system may be disabled. If your vehicle is equipped with an expiring AES system that expires before 1,259,000 miles adjust the model input as follows:

Input = 5 g CO<sub>2</sub>/ton-mile × (miles at expiration/1,259,000 miles)

(d) *Adjustable parameters.* Provisions that apply generally with respect to

adjustable parameters also apply to the AES system operating parameters, except the following are not considered to be adjustable parameters:

(1) Accelerator, brake, and clutch pedals, with respect to resetting the idle timer. Parameters associated with other timer reset mechanisms we approve are also not adjustable parameters.

(2) Bypass parameters allowed for vehicle service under paragraph (b)(2) of this section.

(3) Parameters that are adjustable only after the expiration point.

### Subpart H—Averaging, Banking, and Trading for Certification

#### § 1037.701 General provisions.

(a) You may average, bank, and trade (ABT) emission credits for purposes of certification as described in this subpart and in subpart B of this part to show compliance with the standards of §§ 1037.105 and 1037.106. Participation in this program is voluntary.

(b) The definitions of Subpart I of this part apply to this subpart. The following definitions also apply:

(1) *Actual emission credits* means emission credits you have generated that we have verified by reviewing your final report.

(2) *Averaging set* means a set of vehicles in which emission credits may be exchanged. Credits generated by one vehicle may only be used by other vehicles in the same averaging set. Note that an averaging set may comprise more than one regulatory subcategory. See § 1037.740.

(3) *Broker* means any entity that facilitates a trade of emission credits between a buyer and seller.

(4) *Buyer* means the entity that receives emission credits as a result of a trade.

(5) *Reserved emission credits* means emission credits you have generated that we have not yet verified by reviewing your final report.

(6) *Seller* means the entity that provides emission credits during a trade.

(7) *Standard* means the emission standard that applies under subpart B of this part for vehicles not participating in the ABT program of this subpart.

(8) *Trade* means to exchange emission credits, either as a buyer or seller.

(c) Emission credits may be exchanged only within an averaging set as specified in § 1037.740.

(d) You may not use emission credits generated under this subpart to offset any emissions that exceed an FEL or standard, except as allowed by § 1037.645.

(e) You may trade emission credits generated from any number of your vehicles to the vehicle purchasers or other parties to retire the credits. Identify any such credits in the reports described in § 1037.730. Vehicles must comply with the applicable FELs even if you donate or sell the corresponding emission credits under this paragraph (e). Those credits may no longer be used by anyone to demonstrate compliance with any EPA emission standards.

(f) Emission credits may be used in the model year they are generated. Surplus emission credits may be banked for future model years. Surplus emission credits may sometimes be used for past model years, as described in § 1037.745.

(g) You may increase or decrease an FEL during the model year by amending your application for certification under § 1037.225. The new FEL may apply only to vehicles you have not already introduced into commerce.

(h) See § 1037.740 for special credit provisions that apply for credits generated under § 1037.104(d)(7), § 1037.615 or 40 CFR 1036.615.

(i) Unless the regulations explicitly allow it, you may not calculate credits more than once for any emission reduction. For example, if you generate CO<sub>2</sub> emission credits for a given hybrid vehicle under this part, no one may generate CO<sub>2</sub> emission credits for the hybrid engine under 40 CFR part 1036. However, credits could be generated for identical engine used in vehicles that did not generate credits under this part.

#### § 1037.705 Generating and calculating emission credits.

(a) The provisions of this section apply separately for calculating emission credits for each pollutant.